



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
CRIMINAL JUSTICE

Tuesday, February 17, 2015 9:00 a.m. Room 327 House Office Building

The House Standing Committee on Criminal Justice was called to order by the Chair.

Members present: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Members absent/excused: None.

Representative Lucido moved to adopt the February 10, 2015 minutes. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4069, HB 4135, and HB 4169 before the committee:

HB 4069 (Santana) Criminal procedure; youthful trainees; eligibility criteria for youthful trainee program; modify.

HB 4135 (Heise) Criminal procedure; youthful trainees; revocation of trainee status under Holmes youthful trainee act for committing certain subsequent crimes; provide for.

HB 4169 (Hovey-Wright) Criminal procedure; sentencing; option of placing individual in prison under the Holmes youthful trainee act; eliminate.

Representative Santana came forward to explain proposed substitute (H-1) to HB 4069.

Representative Lucido moved to adopt substitute (H-1) to HB 4069. The motion prevailed 6-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Courser, Lucido, Guerra, Chang.

Nays: None.

Pass: None.

Representative Santana testified in support of all the bills.

Kyle Kaminski, representing the Michigan Department of Corrections, testified without a position on the bills. Questions and discussion followed.

William Vailliantcourt, representing the Prosecuting Attorneys Association of Michigan, testified in support of HB 4069 and HB 4135. Questions and discussion followed.

Bruce Timmons, representing himself testified in opposition to HB 4169.

Mr. Kaminski came forward to make further comments and answer questions.

Cami Pendell, representing the Michigan Judges Association, submitted a card in opposition to HB 4135 and in support of HB 4069, but did not wish to speak.

Noah Smith, representing the Criminal Defense Attorneys of Michigan, submitted a card with a neutral position on HB 4139 and HB 4169, and in support of HB 4069, but did not wish to speak.

Shelli Weisberg, representing the American Civil Liberties Union of Michigan, submitted a card in support of HB 4069 and HB 4169, but did not wish to speak.

Jessica Zimbelman, representing Prisons and Corrections Section of the State Bar of Michigan, submitted a card opposing HB 4135 and with a neutral position on HB 4069, but did not wish to speak.

The Chair laid the committee at ease, the time being 9:36 a.m.

The Chair brought the committee back to order, the time being 9:46 a.m.

The Chair laid HB 4006 before the committee:

HB 4006 (Heise)	Law enforcement; investigations; disclosure of call location information by wireless providers to requesting law enforcement agency; require.
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The following people submitted a card in support of the bill, but did not wish to speak:

Rio Vale, representing the Michigan Association of Chiefs of Police.
Del Chenault, representing Verizon.

David Dudenhoefer, representing the Michigan Campaign for Liberty, testified in opposition to the bill.

Sgt. Amy Dehner, representing the Michigan State Police, testified in support of the bill.
Questions and discussion followed.

Melissa Smith, representing herself, testified in support of the bill.

Representative Howrylak offered the following amendment:

1. Amend page 3, following line 13, by inserting:
"(4) Unless pursuant to a valid court order, a law enforcement officer shall not request, access, use, or disclose device location information from a wireless carrier more than 48 hours

after the time of the initial request for that information under subsection (1).".

Representative Howrylak moved to adopt the amendment to the bill. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

Representative Courser offered the following amendment:

1. Amend page 3, line 2, after "officer." by inserting "A request for device location information under this section shall be written and signed by the requesting law enforcement officer's supervisor."

Representative Courser moved to adopt the amendment to the bill. The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

Representative Courser offered the following amendment:

1. Amend page 3, line 2, after "officer." by inserting "Not more than 48 hours after the wireless carrier provides the device location information to the requesting law enforcement agency, the wireless carrier shall notify the user of the wireless telecommunications device in writing that the request was made and that the device location."

Representative Courser moved to adopt the amendment to the bill. The motion did not prevail 1-6-1.

UNFAVORABLE ROLL CALL

Yeas: Rep. Courser.

Nays: Reps. Heise, Webber, Lucido, Guerra, Hovey-Wright, Chang.

Pass: Rep. Howrylak.

Representative Courser offered the following amendment:

1. Amend page 3, line 2, after "officer." by inserting "Not more than 48 hours after the wireless carrier provides the device location information to the requesting law enforcement agency, the requesting law enforcement agency shall notify the user of the wireless telecommunications device in writing that the request was made and that the device location information was provided."

Representative Courser moved to adopt the amendment to the bill. The motion did not prevail 1-6-1.

UNFAVORABLE ROLL CALL

Yeas: Rep. Courser.

Nays: Reps. Heise, Webber, Lucido, Guerra, Hovey-Wright, Chang.

Pass: Rep. Howrylak.

Representative Courser offered the following amendments:

1. Amend page 3, line 2, after “officer” by inserting only if the request is pursuant to a valid search warrant”.
2. Amend page 3, line 22, after “both.” By inserting “A law enforcement officer who requests, accesses, uses, or discloses device location information obtained under this act without first obtaining a valid search warrant is guilty of a felony punishable by imprisonment for not more than 1 year and a fine of \$5,000.00.”.

Representative Courser moved to adopt the amendments to the bill. The motion did not prevail 1-7-0.

UNFAVORABLE ROLL CALL

Yeas: Rep. Courser.

Nays: Reps. Heise, Webber, Howrylak, Lucido, Guerra, Hovey-Wright, Chang.

Pass: None.

Representative Webber moved to report HB 4006, as amended, as substitute (H-1). The motion prevailed 8-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright, Chang.

Nays: None.

Pass: None.

There being no further business before the committee, the Chair adjourned the meeting at 10:14 a.m.

Representative Kurt Heise, Chair_____

Angie Lake, Committee Clerk
House Criminal Justice Committee
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